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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,509	08/03/2000	Clyde Maxwell Guest	B-64909 (013377/0058)	9173
20594	7590	02/18/2004	EXAMINER	
CHRISTOPHER J. ROURK AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P. P O BOX 688 DALLAS, TX 75313-0688			BARTH, VINCENT P	
			ART UNIT	PAPER NUMBER
			2877	

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/631,509

Applicant(s)

GUEST ET AL.

Examiner

Vincent P. Barth

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 is/are allowed.
- 6) ☒ Claim(s) 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Preliminary Comments***

1. Applicants' Amendments dated 16 January 2004 have cancelled Claims 16-18, which had been rejected in the previous Office Action in which prosecution was re-opened following an Appeal Brief. The prior Office Action had indicated that Claims 19-21 contained allowable subject matter, but had not framed the discussion pertaining thereto in such a manner as to indicate that said claims were dependent upon rejected base claims. Such dependency was indeed apparent from the claim structure, however, the claims are now in a structure which must be amended since Claims 19-21, as they now appear, depend from Claims 16-18, which have been cancelled. In other words, although Claims 19-21 contained, and still contain, allowable subject matter, the discussion in the previous Office Action should have been in the form of an objection. The Examiner regrets that such difficulties have arisen, but suggests that a simple remedy is available, in which Claims 19-21 are re-written to incorporate the language and limitations of the cancelled base claims, and the dependency is modified accordingly. The Examiner would like to extend an assurance herein that such amendment will be handled immediately upon receipt in the Examiner's office.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 19-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Referring to Claims 19-21, said claims depend from claims which have been cancelled, thereby rendering the language therein incomplete. MPEP §2173.05(f) provides that where references to limitations in another claim results in confusion, a rejection under §112 second paragraph should be made. As discussed in the section above entitled Preliminary Comments, this rejection should be simple to remedy. Moreover, in the section below entitled Comments, the allowable subject matter is identified, presuming that the claims are re-written as discussed.

***Allowable Subject Matter***

5. Claims 1-15 are allowable, since the prior art references, either considered alone or in combination, do not disclose or render obvious the limitations set forth therein.
6. Referring to Claim 1, the prior art references, either considered alone or in combination, do not disclose or render obvious the limitations whereby a component inspection system whereby a 2D inspection system locates feature coordinate data and a 3D inspection system receives the coordinate data and generates inspection control data therefrom, in combination with the remaining limitations in the claim. Claims 2-8 are allowable based on their dependency upon

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the claim from which each is dependent. Referring to Claim 9, the prior art references, either considered alone or in combination, do not disclose or render obvious the limitations whereby a component inspection system comprises processing 2D image feature location data, control data is determined for a 3D inspection of the component from the location data, and performing 3D inspection from the control data, in combination with the remaining limitations in the claim.

Claims 10-15 are allowable based on their dependency upon the claim from which each is dependent.

#### *Comments*

7. Claims 19-21 have been rejected as depending from cancelled base claims, but would be allowable if re-written in independent form to incorporate all of the language and limitations of the cancelled base claims.

8. Referring to Claim 19, the prior art references, either considered alone or in combination, do not disclose or render obvious the limitations whereby a method for locating features comprises determining the placement of a 3D component based on the location of each of the one or more features, in combination with the remaining limitations in the claim, and would be allowable if re-written in independent form to incorporate all of the limitations of the base claim. Claim 20 would be allowable based on its dependency upon the claim from which it is dependent, if Claim 19 were claim re-written in independent form to incorporate all of the limitations of the base claim. Referring to Claim 21, the prior art references, either considered alone or in combination, do not disclose or render obvious the limitations whereby a method for locating features using the difference data to locate an edge of one or more of the features where

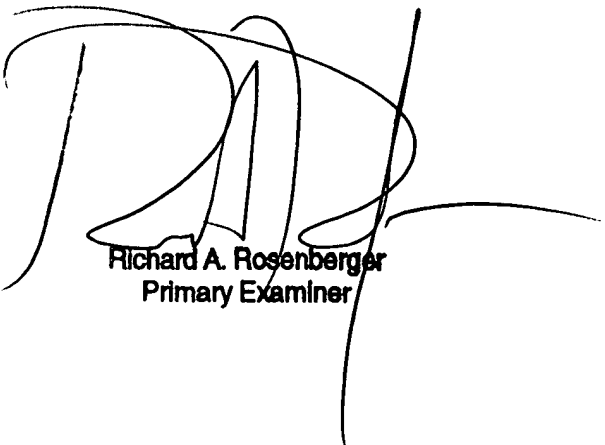
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brightness values of the first and second images are close, in combination with the remaining limitations in the claim, and would be allowable if re-written in independent form to incorporate all of the limitations of the base claim.

9. Note that the previous Office Action in which prosecution was re-opened contained a minor typographical error pertaining to Claim 21, which was perhaps apparent to Applicants, and is mentioned here merely to clarify the record. Paragraph 1 of the previous Office Action (erroneously) stated that Claim 21 was rejected. Such error was likely apparent to Applicants, since the discussion contained in the remaining portions of the document clearly indicated that Claim 21 contained allowable subject matter. Therefore, and as set forth in the instant document, Claim 21 contains allowable subject matter, and is objected to, but would be allowable if re-written in independent form to incorporate all of the limitations of the base claim. No action is required by Applicants relating to this issue, it is merely presented herein to clarify the record.

***CONCLUSION***

10. Applicants' Claims 1-15 are allowable based on the reasons set forth above.
11. Applicants have cancelled Claims 16-18.
12. Applicants' Claims 19-21 have been rejected based on the reasons set forth above.
13. Any inquiries concerning this communication from the Examiner should be directed to Vincent P. Barth, whose telephone number is 571-272-2410, and who may be ordinarily reached from 9:00 a.m. to 5:30 p.m., Monday through Friday. The official fax number for communications to the group is 703-872-9306.
14. If attempts to reach the Examiner prove unsuccessful, the Examiner's supervisor is Frank G. Font, who may be reached at 571-272-2415.
15. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.



Richard A. Rosenberger  
Primary Examiner